

Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

SPENCER YOUNG,

Plaintiff,

vs.

CITY OF SEATTLE, JENNY DURKAN,  
Mayor, LORENA GONZALEZ, LISA  
HERBOLD, DEBORA JUAREZ, ANDREW J.  
LEWIS, TAMMY J. MORALES, TERESA  
MOSQUEDA, ALEX PEDERSEN, KSHAMA  
SAWANT, DAN STRAUSS, Seattle City  
Council Members, in their official capacities,

Defendants.

No. 2:20-cv-00979-RSL

JOINT STATUS REPORT AND  
DISCOVERY PLAN

The parties submit the following information as required under FRCP 26(f), LCR 26(f), and the Court's Order Regarding Initial Disclosures, Joint Status Report and Early Settlements dated July 14, 2020.

**1. Nature and Complexity of Case.**

This lawsuit seeks declaratory relief to invalidate the Emergency Civil Order issued by Mayor Jenny Durkan that establishes prohibited items, namely weapons, in the city of Seattle. Additionally, this lawsuit seeks declaratory relief to invalidate Seattle Municipal

Codes that authorize Mayor Durkan to prohibit constitutionally protected activities. Plaintiff alleges the following claims: (1) Violation of the U.S. Constitution, Amendment II; (2) Exercising powers in excess of that authorized by SMC 10.02.020(9); (3) Violation of State Preemption Clause RCW 9.41.290 and RCW 9.41.300; and (4) Violation of Article I, section 24 of the Washington State Constitution.

**2. Proposed Deadline for Joining Additional Parties.**

The parties propose a deadline of November 13, 2020.

**3. Consent to Magistrate Judge.**

The parties consent to a magistrate judge.

**4. Discovery Plan.**

A. Initial Disclosures. The parties conducted a FRCP 26(f) conference on August 18, 2020. Initial Disclosures were due on August 4, 2020. The parties propose to complete initial disclosures by August 21, 2020.

B. Subjects, Timing, and Potential Phasing of Discovery. The parties agree that discovery need not be conducted in phases and shall be completed by November 13, 2020.

C. Electronically Stored Information. The parties do not anticipate any issues concerning disclosure or discovery of electronically stored information. The parties further agree to work cooperatively on any such requests if and when they arise and produce electronically stored information in its native format.

D. Privilege Issues. The City may claim attorney-client privilege for some documents and information relating to the issuance of the order in question.

E. Proposed Limitations on Discovery. The parties do not believe any proposed

limitations on discovery are necessary at this point.

F. Discovery Related Orders. The parties do not believe discovery-related orders are necessary at this point.

**5. Local Civil Rule 26(f) Statements.**

A. Prompt Case Resolution. The parties have agreed to engage in early discussions to see if this matter can be resolved promptly, however, the parties have agreed to complete preliminary discovery, including discovery requests and the party depositions, prior to such discussions.

B. Alternative Dispute Resolution. This lawsuit seeks declaratory and injunctive relief concerning a provision of the Seattle Municipal Code and the issuance of an emergency order no longer in effect. The parties do not believe that alternative dispute resolution is applicable to this case.

C. Related Cases. The parties are presently unaware of any related cases.

D. Discovery Management. The parties agree to make a good-faith effort to work cooperatively to try and resolve any discovery issues as they arise before bringing such matters to the Court.

E. Anticipated Discovery Sought. The parties anticipate serving interrogatories and requests for production once discovery commences. Depositions may be required, but are not anticipated at this time. Expert discovery is unlikely. At this stage, the parties do not anticipate needing or requesting discovery outside of the limitations on depositions and discovery requests set forth in the Federal Court Rules of Civil Procedure.

F. Phasing Motions. The parties agree that, if they are unable to resolve this matter

through early informal processes, the parties will work together on a briefing schedule to bring targeted legal issues before the Court for decision in a further attempt to facilitate an early resolution.

G. Preservation of Discoverable Information. The parties understand their mutual obligations to preserve discoverable information and do not anticipate any issues regarding these obligations at this point.

H. Privilege Issues. The Parties agree to follow Rule 502 of the Federal Rules of Evidence with respect to any inadvertent disclosures that may arise during litigation.

I. Model Protocol for Discovery ESI. This case may involve the preservation and production of ESI. The parties agree to work cooperatively regarding the preservation and production of any such evidence in this matter and agree to consider adopting the Model ESI Agreement if and when such evidence is identified as relevant and responsive to an appropriate production request.

J. Alternative to Model Protocol. See Section 5(I), above.

**6. Discovery Cutoff.** November 13, 2020.

**7. Bifurcation.** While no decision has been made or agreement reached as of this date as to whether bifurcation is appropriate and/or necessary, to the extent such a motion is warranted, it will be promptly raised with the Court.

**8. Pretrial Statements and Pretrial Orders.** The parties do not believe it to be necessary to dispense with the pre-trial statement and pre-trial order called for in Local Civil Rules 16(e), (h), (i), and (k), and 16.1.

**9. Individualized Trial Program.** The parties do not believe that the Individualized Trial

Program is appropriate for this case.

**10. Suggestions for Shortening or Simplifying the Cause.** The parties do not propose any particular means to simplify or shorten this case and do not anticipate a need for any such measure.

**11. Trial Date.** The parties agree this case will be ready for trial by January 11, 2020.

**12. Jury.** A jury trial has not been demanded.

**13. Trial Days Required.** Approximately 2 days.

**14. Trial Counsel.**

Carolyn U. Boies, WSBA# 40395  
Brian G. Maxey, WSBA# 33279  
Spencer Young, Plaintiff *pro se*

DATED this 18th day of August, 2020.

PETER S. HOLMES  
Seattle City Attorney

By: s/ Carolyn U. Boies  
Carolyn U. Boies, WSBA# 40395  
Brian G. Maxey, WSBA# 33279

Assistant City Attorneys  
E-mail: [Carolyn.boies@seattle.gov](mailto:Carolyn.boies@seattle.gov)  
E-mail: [brian.maxey@seattle.gov](mailto:brian.maxey@seattle.gov)

Seattle City Attorney's Office  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104  
Phone: (206) 684-8200

***Attorneys for Defendant City of Seattle***

A handwritten signature in black ink, appearing to read 'Spencer Young', is written over a horizontal line.

Spencer Young, Pro se Plaintiff

**CERTIFICATE OF SERVICE**

I hereby declare under penalty of perjury under the laws of the State of Washington, that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and caused a true and correct copy to be served on the following:

***Pro Se Plaintiff:***

Spencer Young  
2801 Western Avenue, Apt. 1019  
Seattle, WA 98121  
Telephone: (954) 695-5371  
Email: [spencer.young@spyoung.com](mailto:spencer.young@spyoung.com)

Dated this 18th day of August, 2020.

*s/Marisa Johnson*

Marisa Johnson, Legal Assistant